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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

12 FREDA SUSSMAN,) Case No. 08CV392 H BLM
13 Plaintiff,)
14 v.) DECLARATION OF NANCY SUSSMAN
15) IN SUPPORT OF EX PARTE MOTION
16 ARMELIA SANI, M.D., SHILEY EYE) FOR ORDER SHORTENING TIME TO
17 CENTER, UCSD MEDICAL CENTER,) HAVE MOTION TO REMAND HEARD
18 REGENTS OF THE UNIVERSITY OF)
19 CALIFORNIA, HEALTH NET OF)
20 CALIFORNIA, INC., HEALTH NET) Date: 4/14/08
21 SENIORITY PLUS, LINDA BEACH,) Time: 10:30 a.m.
22 HAIDEE GUTIERREZ,) Dept. 13
DOES 1 through 40, inclusive,) Magistrate: Barbara Major
Defendants)

24 I, Nancy Sussman, declare:

25 1. I am an attorney duly licensed to practice before this Court and I am one of the attorneys of
26 record for the Plaintiff herein.

1 2. The Plaintiff's action was filed in State Court on 11/17/07. Defendant HEALTH NET OF
2 CALIFORNIA, INC. was added as a "Doe" Defendant on 1/30/08. Defendant HEALTH NET
3 OF CALIFORNIA, INC.'s Notice of Removal was filed on March 3, 2008. The Plaintiff's
4 Motion to Remand was timely filed on March 13, 2008. Defendant's Motion to Dismiss the
5 Plaintiff's complaint was received by the Plaintiff only two days prior to the filing of Plaintiff's
6 Motion to Remand. The Motion to Dismiss has a hearing date of April 7, 2008. The Plaintiff's
7 position is that the case should be remanded to State Court, not dismissed. If Defendant
8 HEALTH NET OF CALIFORNIA, INC.'s Motion to Dismiss is heard before the Plaintiff's
9 Motion to Remand, the Plaintiff will be severely detrimented. Insofar as the Motion to Remand
10 must be determined before the Motion to Dismiss, the Plaintiff requests this court to schedule the
11 Plaintiff's motion to remand for April 7, 2008 to be heard concurrently with the Defendant's
12 Motion to Dismiss.

13 3. In the alternative, the plaintiff requests that ths court move the hearing date of April 7, 2008
14 on the Defendant's motion to dismiss to April 14, 2008 at 10:30 a.m. to be heard concurrently
15 with the Plaintiff's Motion to Remand. The Court has the right to extend the time in which a
16 motion is heard. FRCP 6(b).

17 I declare under penalty of perjury that the foregoing is correct.
18

19 Dated:

20 3 / 13 / 08

21 Respectfully Submitted:

22 HAYWORTH AND SUSSMAN

23 
24 Nancy Sussman,
25 Attorney for Plaintiff